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DATE: September 28, 2005

TO: **Commissioner for Patents**  
**Attention: Examiner P. Hampton Hightower**

COMPANY: United States Patent and Trademark Office  
Washington, DC 20231

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NUMBER OF PAGES INCLUDING THIS COVER SHEET: **6**

COMMENTS: **Supplemental Information Disclosure**

- RCE  
 Information Disclosure  
 Charge to Deposit Account 10-0750/ETH1635/MSG

|            |                        |             |            |
|------------|------------------------|-------------|------------|
| Applicants | : Arindam Datta et al. | Docket No.: | ETH 1635   |
| Serial No. | : 10/059,637           | Art Unit:   | 3731       |
| Filed      | : January 29, 2002     | Examiner:   | Uyen T. Ho |
| For        | : Biodegradable Stent  |             |            |

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

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Docket No. ETH1635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Arindam Datta et al. Confirmation No.: 7724  
 Serial No. : 10/059,637 Art Unit: 3731  
 Filed : January 29, 2002 Examiner: Uyen T. Ho  
 For : Biodegradable Stent

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

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 Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure  
 Statement mailed on November 17, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37  
 C.F.R. §§1.97-1.98, information relating to the above-  
 identified application is hereby disclosed. Inclusion of  
 information in this statement is not to be construed as an  
 admission that this information is material as that term is  
 defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the  
 patentability of the claimed invention over any of the  
 information provided herewith, and/or to prove that this

information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:

- Statement in Accordance with §1.97(e) (attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final

Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e) (attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed November 17, 2004.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH1635/WKW. This form is submitted in triplicate.

Respectfully submitted,

/Matthew S. Goodwin/

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DATED: September 28, 2005

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| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(use as many sheets as necessary)<br>Sheet 1 of 1 | <b>Confirmation Number</b>    | 7724          |
|  | <b>Application Number</b>     | 10/059,637    |
|  | <b>Filing Date</b>            | 01/29/2002    |
|  | <b>First Named Inventor</b>   | Arindam Datta |
|  | <b>Group Art Unit</b>         | 3731          |
|  | <b>Examiner Name</b>          | Uyen T. Ho    |
|  | <b>Attorney Docket Number</b> | ETH-1635      |

| U.S. PATENT DOCUMENTS |                       |                      |                                   |   |  |   |
|-----------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| Examiner Initials     | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear |
|                       |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                       |                       | 6,338,739 B1         | A                                 | Datta et al.                                    | 01-16-2002                                       |   |
|                       |                       | 6,573,312 B1         | A                                 | Datta et al.                                    | 03-25-2003                                       |   |
|                       |                       | 6,423,082 B1         | A                                 | Datta et al.                                    | 06-16-1998                                       |   |
|                       |                       |                      |                                   |   |  |   |
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| FOREIGN PATENT DOCUMENTS |                       |                         |                     |                        |   |  |   |                |
|--------------------------|-----------------------|-------------------------|---------------------|------------------------|---|--|---|----------------|
| Examiner Initials        | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                        | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear | T <sup>5</sup> |
|                          |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>2</sup> |   |  |   |                |
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|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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